



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit -- 2611  
Examiner – N. Vu

January 22, 2007

In re Application of Michael J. Rieschl et al.  
Title: Video-on-Demand Video  
Disk/Memory Streaming  
Selection Methodology  
Serial No.: 09/714,072

Filed: November 16, 2000  
Allowed: December 19, 2006  
File No.: RA 5323K (33012/295/101)  
Customer # 27516

Mail Stop Issue Fee  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

SUBJECT: ISSUE FEE FOR RA 5323K (33012/295/101)

Dear Sir:

Please charge Deposit Account No. 19-3790 in the sum of \$1,400.00 to cover payment of the Issue Fee and also the sum of \$3.00 to cover the cost of the 1 extra copy of the patent, which was allowed on December 19, 2006.

Also enclosed is a "Fee Address" Indication Form and Comments on Statement of Reasons for Allowance.

Respectfully submitted,

*Beth L. McMahon*

Beth L. McMahon  
Attorney for Applicant  
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Tel. No.: (651) 635-7893

BLM/eav

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450 on January 22, 2007.

\_\_\_\_\_  
Emily Vogt  
Legal Secretary

*Emily Vogt*  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
January 22, 2007  
Date of Signature



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Group Art Unit -- 2611  
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January 22, 2007

In re Application of Michael J. Rieschl et al.  
Title: Video-on-Demand Video Disk/Memory  
Streaming Selection Methodology  
Serial No.: 09/714,072

Filed: 11/16/00  
Allowed: 12/19/06  
File No.: RA 5323K (33012/295/101)  
Customer # 27516

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop Issue Fee  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Examiner's statement of Reasons for Allowance implies that the claimed invention was allowed because the prior art did not disclose specific elements. The elements characterized by the Examiner, however, even if found in the prior art, would not render the claimed invention invalid under 35 USC §102 because the claimed invention includes a number of limitations not addressed in the Reasons for Allowance. With respect to 35 USC §103, the requirements of establishing a *prima facie* case of obviousness including (1) a showing that the prior art teaches the entire claimed invention where all limitations are to be considered, and (2) that combining various prior art references is (a) suggested in the art and (b) there would be motivation to make the combination, with a likelihood of success, have not been satisfied.

Unless otherwise advised, these comments are intended, to be clarifying in a manner consistent with the law.

Respectfully submitted,

Beth L. McMahon  
Attorney for Applicant  
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